

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CAPELLO *et al.*,

Plaintiffs,

v.

MARK SELING *et al.*,

Defendants.

Case No. C02-5242RBL

ORDER ADOPTING REPORT  
AND RECOMMENDATION  
REGARDING PLAINTIFF  
BURT DANIELS

The Court, having reviewed plaintiff's complaint, and the Report and Recommendation of Magistrate Judge Karen L. Strombom, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and **ORDER:**

- (1) The Court adopts the Report and Recommendation;
- (2) Plaintiff Burt Daniel's cause of action is **DISMISSED WITH PREJUDICE** for the reasons outlined in the Report and Recommendation.
- (3) The Clerk is directed to send copies of this Order to plaintiffs, counsel for defendants, and to the Hon. Karen L. Strombom.

DATED this 19<sup>th</sup> day of July, 2006.

  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE